IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.1629 OF 2004
IN
SECOND APPEAL NO. 54 OF 1998

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

CORAM : ABHAY S.OKA, J.

DATED : 4th February, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. The learned Counsel appearing for the Respondent made a grievance that certain statements made in the Application are factually incorrect. From the averments made in the paragraph 2 of the Application, I find that certain statements are incorrect. It appears that the Second Appeal was dismissed due to default on the part of the Advocate of the Appellant. For that reason the Appellant should not suffer. The Civil Application is allowed in terms of prayer clause (a). Interim relief granted in the Second Appeal is also restored.

2. The Advocate for the Applicants is directed to pay a sum of Rs.2500/- to Kirtikar Law Library by

way of donation. The Receipt to be produced in this Court within a period of two weeks from today. If the receipt is not produced office is directed to place the Appeal from Order for further orders.

Judge.